



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

NOTICE OF FEDERAL INTEREST

Issued To:

Date: 01/25/2011

County of Los Angeles Department of Public
Works, Alhambra, Los Angeles Co., CA

LEGAL NOTICE TO SUSPECTED DISCHARGER

This legal notice is issued pursuant to the requirements of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which appears at Title 40, Code of Federal Regulations, Part 300 (40 C.F.R. Part 300).

As the owner or operator of County of Los Angeles Department of Public Works (LACoPW), you have been identified as a Potentially Responsible Party for an oil discharge from the facility located at in the Dominguez Channel south of Carson Street (Latitude: 33.8312107, Longitude: - 118.254089). The term "Responsible Party", as defined at 33 U.S.C. § 2701(32), includes any person owning or operating a vessel, onshore facility or offshore facility from which a discharge of oil has originated. The location of the oil discharge noticed herein is in the Dominguez Channel which is a tidal influence channel that drains to the Port of Los Angeles, a navigable water. The U.S. Environmental Protection Agency ("EPA") has determined that the discharge of oil was created by an unknown source beneath the Dominguez Channel on or about January 9, 2011.

The NCP encourages persons responsible for discharges to take prompt and proper action to remove the contaminant from the water and shorelines when possible and deemed necessary by the Federal On-Scene Coordinator (OSC). Such action is deemed necessary in this case.

If you are willing to undertake a cleanup, your actions may be monitored by EPA pursuant to an Administrative Order under the Clean Water Act, 33 U.S.C. § 1321 (c) and (e), as amended by the Oil Pollution Act Amendments of 1990. If you do not comply with the Order and conduct a proper removal action, the EPA will take the necessary action to remove the contaminant.

If the EPA conducts the clean-up, you are hereby advised that pursuant to Section 311(f) of the Clean Water Act, 33 U.S.C. § 1321(f), you may be liable to the United States for the actual costs incurred in the response action, including but not limited to costs of restoring damaged natural resources, and possible penalties. The cleanup will include, but not be limited to the following measures:

1. Prepare an Incident Action Plan to be approved by the Unified Command.
2. Maintain oil collection activities as are currently in place. Prevent further

- downstream or upstream migration of oil in the Channel. Maintain 24-hour boom watch until the cleanup is complete.
3. Conduct wildlife hazing operations in with the approval of the natural resources trustee.
 4. Remove all oil, oily debris, and oil contaminated sediment from the spill area.
 5. Provide the OSC with a written work plan describing how items 2-4 will be accomplished including a health and safety plan that complies with 29 CFR 1910.120 (b)(4): Hazardous Waste Operations and Emergency Response (HAZWOPER) no later than January 28, 2011.
 6. Conduct an assessment of the sediment to determine the horizontal and vertical extent of the oil contamination in the sediment on the bottom of the channel and along the banks of the channel. A Quality Assurance Project Plan (QAPP) for the sediment sampling must be prepared and submitted to the Unified Command for approval later than February 4, 2011. The QAPP must be consistent with EPA Guidance for Quality Assurance Project Plans (EPA QA/G-5); Sampling and Analysis Plan Guidance and Template, Version 2 Private Analytical Services Used (Document Control No.: R9/QA 002 - March, 2000); and Guidance for the Data Quality Objectives Process (EPA QA/G-4).
 7. The contractors working on the project must be in compliance with HAZWOPER and relevant OSHA and or U.S. Coast Guard regulations regarding working in the marine environment. Please provide proof of HAZWOPER compliance for all Plains employees, contractors and subcontractor including:
 - a. Written Safety and Health Program Plan pursuant to 29 CFR 1910.120(b)(1);
 - b. Proof of training pursuant to 29 CFR 1910.120(e);
 - c. Proof of medical surveillance pursuant to 29 CFR 1910.120(f);
 - d. The written personal protective equipment program pursuant to 29 CFR 1910.120(g)(5); and
 - e. Provide documents in the primary language of all employees working on-site. Failure to provide the proof of compliance with HAZWOPER documentation will result in EPA's disqualification of that contractor or Plains from conducting the cleanup.
 - f. Documents must be provided with Health and Safety Plan.

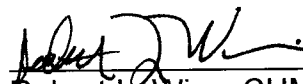
You should note that the application of dispersants, surface collecting agents, biological additives or miscellaneous oil spill control products is not permitted unless authorized by the OSC and the governing State Agency. In addition, sinking agents shall not be authorized for application to oil discharges.

The OSC has evaluated the magnitude and severity of the discharge or threat to public health or welfare or the environment. Based upon this evaluation, you are requested to respond to this legal notice [☒ X immediately], [_____ within 24 hours], [_____ within 48 hours], or [by close of business on _____] to confirm your intent to (1) immediately perform the cleanup; or (2) enter into an agreement to conduct the clean-up. Failure to respond in a timely manner may result in the clean-up being performed by EPA. If EPA does not receive a timely response, EPA will assume that you do not

wish to negotiate a resolution of your liabilities in connection with the response, and that you have declined involvement in performing the response action. You may be held liable for the cost of the response action EPA performs at the Site and any potential penalties.

The factual and legal discussions contained in this letter are intended solely for notification and information purposes. They are not intended to be and cannot be relied upon as final EPA positions on any matter set forth herein. Your response to this notice should be sent or given to the signatory of this letter below. If you deny responsibility for the discharge of oil described above, you are requested to advise the EPA contact immediately of the specific basis for your denial of responsibility.

For the EPA:


Robert L. Wise, CHMM

, OSC

January 25, 2011

Date

(562) 889 - 2572

Phone

On Behalf of

Jane Diamond
Director of Superfund Division

Acknowledgment of Receipt:

Received

by _____

Date: _____ Copy ____ of ____

Cc: Andrew Helmlinger, ORC
File